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| APPLICATION NO.                          | FILING DATE | FIRST NAMED INVENTOR    | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|-------------------------|---------------------|------------------|
| 10/726,352                               | 12/02/2003  | Raymond W. Blodgett JR. | 18393-302           | 9022             |
| 37374                                    | 7590        | 01/08/2008              | EXAMINER            |                  |
| INSKEEP INTELLECTUAL PROPERTY GROUP, INC |             |                         | KRUER, STEFAN       |                  |
| 2281 W. 190TH STREET                     |             |                         | ART UNIT            | PAPER NUMBER     |
| SUITE 200                                |             |                         | 3654                |                  |
| TORRANCE, CA 90504                       |             |                         |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|------------------------------|------------------------|---------------------|
|                              | 10/726,352             | BLODGETT ET AL.     |
| Examiner                     | Art Unit               |                     |
| Stefan Kruer                 | 3654                   |                     |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 15 October 2007.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1 - 9, 15 - 21, 46 - 60 is/are pending in the application.  
4a) Of the above claim(s) 2 - 4, 6, 15 - 19, 21, is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1, 5, 7 - 9, 20 and 46 - 50, 52 - 56, 58 and 60 is/are rejected.

7)  Claim(s) 51, 57 and 59 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 02 December 2003 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 18 June 2007.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the feature pursuant to Claim 8, "...wherein said distribution system comprises a chain coupled to an upper end of said first lifting mechanism and said second lifting mechanism..." must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Objections*

The claims are objected to because of the following informalities:

- **Claim 52**, Line 16, "manor" should be written as "manner".
- **Claim 58** is missing or Claims 59 - 61 are misnumbered; consequently, **Claims 59 – 61** are renumbered as Claims 58 - 60 pursuant to C.F.R. 1.126.

Appropriate corrections are required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 8 – 9, 20 and 58** are rejected under 35 U.S.C. 102(b) as being anticipated by Rogers (3,266,062).

**Re: Claim 1**, Rogers discloses:

- a frame (26, Fig. 3),
- a first lifting mechanism (incl. 74, 62 and 72, right hand, Fig. 4) secured along a vertical length of said frame (via 60, 72 and 74),
- a second lifting mechanism (incl. 74, 62 and 72, left hand, Fig. 4) secured along a vertical length of said frame (via 60, 72 and 74),
- a distribution mechanism (incl. 76, 80, 72) coupled to a top end (by 74) of said first lifting mechanism and a top end (by 74) of said second lifting mechanism for transferring motive force to said first lifting mechanism and said second lifting mechanism;
- a first bracket assemblage (1 of 2 x 60 + 20, right side, Fig.'s 3 and 5) slidably disposed on said frame;
- said first bracket assemblage engaged with said first lifting mechanism to adjust a height of said first bracket assemblage;
- a second bracket assemblage (2 of 2 x 60 + 20, right side) slidably disposed on said frame;
- said second bracket assemblage engaged with said first lifting mechanism to adjust a height of said second bracket assemblage;
- said first and second bracket assemblages coupled to a first bed bracket (2 x 66, right + 20) sized for supporting a bed;

- a third bracket assemblage (1 of 2 x 60 + 20, left, Fig.'s 3 and 5) slidably disposed on said frame;
- a fourth bracket assemblage (2 of 2 x 60 + 20, left) slidably disposed on said frame;
- a second bed bracket (2 x 66, left + 20) sized to support a bed and coupled to said third and fourth bracket assemblages;
- wherein said first bed bracket is movable between a lowered position within said vehicle and a raised, stowed position within said vehicle.

**Re: Claims 8 - 9,** Rogers discloses:

- wherein said distribution mechanism comprises a chain (74, 72) coupled to an upper end of said first lifting mechanism and said second lifting mechanism;
- wherein said distribution mechanism comprises a rotatably mounted shaft (76) coupled to an upper end of said first lifting mechanism and said second lifting mechanism.

**Re: Claim 20,** Rogers discloses further comprising an elongated flexible support secured to said frame and said first bed bracket.

**Re: Claim 58,** Rogers discloses further comprising a motor (84) coupled to said distribution mechanism.

**Claims 52 – 54 and 56** are rejected under 35 U.S.C. 102(b) as being anticipated by Greenlaw et al (5,915,913).

**Re: Claim 52,** Greenlaw et al disclose a device for lifting a bed between a lowered position and a raised position comprising:

- a first vertical support bracket (37, Fig. 2c) having an elongated shape;
- a first lifting mechanism (24) disposed along a vertical length of said first vertical support bracket;
- a second support bracket (37) having an elongated shape;

- a second lifting mechanism (24) disposed along a vertical length of said second vertical support bracket;
- a first bed bracket (18) sized to support a bed; said first bed bracket coupled to said first lifting mechanism and said second lifting mechanism (each at 22) to move said bed bracket between a raised position and a lowered position; wherein said first bed bracket is movable between a lowered position and an elevated position;
- a second bed bracket (20) sized to support a bed; said second bed bracket slidably coupled to said first vertical support bracket and to said second vertical support bracket;
- wherein said second bed bracket is uncoupled from said first lifting mechanism and said second lifting mechanism in a manner such that movement of said second bed bracket to an elevated position is due to pushing of said first bed bracket upwardly against said second bed bracket (38, 36 and 40, Fig. 4, Col. 7, L. 11 - 30); and
- a distribution mechanism (28, 36, Fig.'s 2 and 4) coupled to a top end of said first lifting mechanism and a top end of said second lifting mechanism for transferring motive force to said first lifting mechanism and said second lifting mechanism.

**Re: Claim 53**, Greenlaw et al disclose wherein said first bed bracket further comprises:

- a first mounting bracket (62, 36, Fig. 8) slidably engaged with said first vertical support bracket (37) and connected (by 38, 18 (approx. 60)) to said first lifting mechanism (within 58, Fig. 5 and 8); and
- a second mounting bracket (not depicted, 62, 36) slidably engaged with said second vertical support bracket (37) and connected to said second lifting mechanism.

**Re: Claim 54**, Greenlaw et al disclose wherein said distribution mechanism is a chain (28) coupled to said first lifting mechanism and said second lifting mechanism for

distributing a force between said first lifting mechanism and said second lifting mechanism; wherein movement of said chain in a first direction raises said bed bracket and movement of said chain in a second direction lowers said bed bracket.

**Re: Claim 56**, Greenlaw et al disclose wherein said first lifting mechanism is a first acme screw and said second lifting mechanism is a second acme screw.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 5 and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Roger in view of Eryou et al (5,154,569).

Rogers is silent with respect to an acme screw.

Attention is directed to Eryou et al who teach their acme screws (41, Fig. 5, Col. 9, L. 36 - 55) mounted in their first (2, 3) and second lifting mechanisms (4, 5), for features of synchronized, consistent raising and lowering of their bed, wherein their first and second bracket assemblages (45, 47, 43) contain a respective captured nut (46)

It would have been obvious to one of ordinary skill in the art to modify the reference of Rogers with the teaching of Eryou et al for performance.

**Claim 60** is rejected under 35 U.S.C. 103(a) as being unpatentable over Roger in view of Hamada et al (5,020,169).

Rogers discloses a shaft (76), wherein his shaft synchronizes movement of said first and second lifting mechanisms; however, Rogers is silent with respect to first and second gearboxes.

Attention is directed to Hamada et al who teach their first and second lifting mechanisms (LtA, 22, 23 and 30b; LtB, 22, 23 and 30c, Fig. 12) wherein the movement

of their first and second lifting mechanisms is synchronized by a common motor (21) and respective belt pulleys (24).

Though neither of the references disclose or teach a gear box, the use of belt and pulley drive in lieu of gearbox is a well known mechanical equivalent which would have been an obvious alternative since applicant has not disclosed that the gearbox solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with a belt and pulley drive.

**Claims 46 – 50** are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan (5,372,339) in view of Stephen (2,458,312).

**Re: Claim 46**, Morgan discloses a bed lifting device:

- a first vertical support bracket (20, left, Fig. 2) having a first elongated vertical length;
- a first lifting mechanism (21, 30, 34, 44) located along said first elongated vertical length of said first vertical support bracket;
- a first lifting bracket (26, 24, lower right) slidably engaged with said first vertical support bracket and supported by said first lifting mechanism;
- a second vertical support bracket (20, right) having a second elongated vertical length;
- a second lifting mechanism (21, 30, 34, 44) located along said second elongated vertical length of said second vertical support bracket;
- a second lifting bracket (26, 24, lower left) slidably engaged with said second vertical support bracket and supported by said second lifting mechanism;
- a first bed bracket (lower 12, 14, Fig. 1) sized to support a bed; said bed bracket connected to said first lifting bracket and said second lifting bracket;
- a third lifting bracket (26, 24, upper right) slidably engaged with said first vertical support bracket;
- a fourth lifting bracket (26, 24, upper left) slidably engaged with said second vertical support bracket; and,

- a second bed bracket (upper 12, 14) sized to support a bed; said second bed bracket connected to said third lifting bracket and said fourth lifting bracket; wherein said second bed bracket is located above said first bed bracket;
- a shaft (33a, fig. 3) coupled to a top end of said first lifting mechanism and to a top end of said second lifting mechanism; and,
- a motor (30) disposed on said bed lifting device so as to drive said first lifting mechanism, said shaft, and said second lifting mechanism;
- wherein said first bed bracket is movable between a lowered position within said vehicle and a raised, stowed position within said vehicle.

however, Morgan is silent with respect to one motor for distributing motive force between said first lifting mechanism and said second lifting mechanism.

Attention is directed to Stephen who teaches the concept of a single motor (incl. 14, 11 – 13, 18 – 21) for distributing motive force between a first lifting mechanism (7, left) and a second lifting mechanism (7, right, not depicted).

It would have been obvious to one of ordinary skill in the art to modify the reference of Morgan with the teaching of Stephen for features of uniformity in motive application and simplicity, where feasible, for performance and costs.

**Re: Claim 47**, Morgan discloses further:

- a first gearbox (33a, 32, Fig. 3) coupled to a first end of said shaft and said top end of said first lifting mechanism; and
- a second gearbox (33b, 35, 32) coupled to a second end of said shaft and a bottom end of said second lifting mechanism.

Attention is directed to Stephen who teaches the concept of mounting his tandem gearboxes (8 – 10) at a top end of his respective first and second lifting mechanisms.

It would have been obvious to one of ordinary skill in the art to modify the reference of Morgan with the teaching of Stephen for features of maintaining a single point of motive power and simplicity, where feasible, for accessibility and costs.

**Re: Claims 48 - 50**, Morgan discloses further:

- wherein said motor is coupled to said first gearbox.
- wherein said first lifting mechanism and said second lifting mechanism move in unison.
- wherein said first lifting mechanism comprises a first acme screw (34) and said second lifting mechanism comprises a second acme screw (34).

**Claim 55** is rejected under 35 U.S.C. 103(a) as being unpatentable over Greenlaw et al in view of Stephen.

Greenlaw et al are silent with respect to their distribution mechanism is a shaft.

Attention is directed to Stephen who teaches the concept of said distribution mechanism as a shaft (incl. 11 – 13, 18 – 21) for distributing motive force between a first lifting mechanism (7, left) and a second lifting mechanism (7, right, not depicted).

In combination with said shaft, Stephen teaches the use of miter gears for propagation of the motive force of said shaft.

It would have been obvious to one of ordinary skill in the art to modify the reference of Greenlaw et al with the teachings of Stephen for feature of minimizing point(s) of motive power, where feasible, for enhanced performance and reduced costs.

#### ***Allowable Subject Matter***

**Claims 51, 57 and 59** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

Applicant's arguments filed 15 October 2007 with respect to **Claims 1, 5 and 7 – 9** have been fully considered but they are not persuasive.

The rejections of the previous office action were in response to the claim language. Applicant's arguments are based on the amended claim language applied to the prior art of reference; consequently, this office action comprises a detailed response to Applicant's arguments.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Matre (5,031,563), Frangos (5,036,951) and Hamada et al (4,837,877) are cited for references of lifting devices having a payload comprising a bed, each of said devices having a first user-accessible position proximal a floor and a second storage position adjacent a ceiling.

Matre is cited further for reference of first and second bed brackets.

Seidl (5,845,590) and Francis (2,742,164) are cited for a distribution mechanism utilizing a chain coupled to an upper end of a first lifting mechanism and a second lifting mechanism

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Kruer whose telephone number is 571.272.5913. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571.272.6856. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866.217.9197 (toll-free).

SHK  
2 January 2008

  
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